

**Congress of the United States**  
**House of Representatives**

June 6, 2011

Mr. Lafe E. Solomon  
Acting General Counsel  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, D. C. 20570

Dear Mr. Solomon:

As Chairman of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, I take my oversight responsibilities very seriously. And while that most often involves matters of a fiscal nature, it is also my role to vigorously address any impropriety and to prevent any abuse of authority or policy overreach from occurring within any agency under the jurisdiction of this subcommittee.

I am writing regarding the National Labor Relations Board's ("NLRB") actions in response to a decision by The Boeing Company ("Boeing") to locate its new 787 Dreamliner manufacturing facility in Charleston, South Carolina. In making this decision, Boeing sought to achieve economic competitiveness for its global customer base, create jobs and an economic boom to a state that has nearly 10% unemployment, and maintain its status as a world leader in the aerospace industry. Boeing has a strong record of providing good-paying jobs for American workers, including in my home-state of Montana, and for helping keep America safe. This is exactly the type of private enterprise expansion our economy needs to drive itself through a still-sluggish recovery.

I believe the NLRB's decision to issue a complaint against Boeing in this matter represents a complete breach of the Federal government's role in regulating private industry and that the remedy cited therein is extraordinary and unprecedented. The remedy provided for in this complaint would require Boeing to move the second manufacturing line to the state of Washington. It is more than troubling to me that any agent of the Federal government would have the audacity to seek to overturn legitimate, core business decisions of a private enterprise. Should you succeed in this complaint, not only would Boeing have to abandon the over \$1 billion it has currently spent on this facility over the last 17 months, it would also surely need to spend considerably more to build new capacity in Washington. The lost investment and delay in time would significantly impair the company's ability to meet customer demands and commitments for existing orders.

Your complaint, Mr. Solomon, strikes at the heart of Boeing's respected business model, and is reportedly already having a chilling effect on entity's who are considering constructing new facilities in the United States. At a time when this economy needs all the investment it can get, this draconian remedy sends exactly the wrong message to all businesses, large and small, and creates an overwhelming disincentive to new economic investment.

In a recent statement you said that "there is nothing remarkable or unprecedented about the complaint issued against the Boeing Company on April 20... [t]he complaint involves matters of fact and law that are not unique to this case....". I do find this complaint remarkable, and I am seriously concerned with the use of agency resources to pursue such an extraordinary and unusual remedy given the detrimental economic impact it is certain to cause. At the very least, the NLRB needs to articulate a clear basis for this complaint.

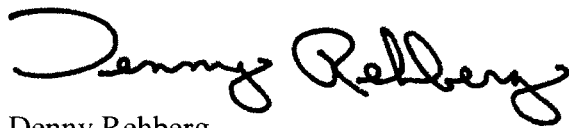
Therefore, I am requesting examples of other complaints where the Office of General Counsel has made similar allegations that were:

1. Based upon an entity's decision regarding where to locate new work or a new production/manufacturing line, rather than the transfer of existing work (which is the case with Boeing), and
2. Made in absence of the entity being formally accused or cited for taking adverse actions against union employees.

Please also provide information regarding the resolution of such cases, including final remedies, if any.

Thank you very much for your timely response to my request.

Sincerely,

A handwritten signature in black ink that reads "Denny Rehberg". The signature is written in a cursive, flowing style with a large initial "D".

Denny Rehberg

Chairman

House Appropriations Committee

Subcommittee on Labor, Health and Human Services, Education and Related Agencies